

REMARKS

I. PENDING CLAIMS AND SUPPORT FOR AMENDMENTS

Upon entry of this amendment, claims 1-26 will be pending in this application. Applicants have canceled claims 27 and 28, as requested by the Examiner. Applicants have also corrected minor and obvious typographical errors in the spelling of "pH" in claims 22 and 25. These amendments do not raise new issues requiring further consideration and/or search, and should be entered as they remove issues for appeal and/or place this application into form for allowance.

No new matter has been added.

II. REJECTION UNDER 35 U.S.C. § 102

At page 2 of the Office action, the Examiner has rejected claims 1-26 under 35 U.S.C. § 102 (a or b) as anticipated by Jubb et al. (U.S. Patent No. 6,180,546).

Applicants respectfully traverse this rejection.

First, Applicants have some difficulty understanding the Examiner's citation of multiple sections of the statute. The Jubb et al. patent upon which the Examiner relies was issued on January 30, 2001, less than 1 year prior to Applicants' filing date of March 22, 2001. Accordingly, 35 U.S.C. § 102(b) is inapplicable.

Second, and more importantly, the Examiner alleges that the Jubb et al. patent discloses a composite material that contains colloidal silica bonded alkaline earth metal fibres. This is incorrect, however. The Jubb et al. patent does not mention or otherwise teach colloidal silica, and Applicants note that the Examiner has failed to supply any citation to a particular portion of the Jubb et al. patent that supports the Examiner's assertions. In fact, the Jubb et al. patent does not even disclose any

bonded products, except for the disclosure of preforms used for shrinkage testing at column 9, lines 23-25. These preforms included a starch binder, not colloidal silica.

Because all of the claims recite the presence of colloidal silica bonded fibres, and because the Jubb et al. patent fails to teach or suggest such fibres, the Jubb et al. patent does not anticipate the claimed invention under any section of 35 U.S.C. § 102. Accordingly, the Examiner's rejection should be withdrawn.

III. REJECTION UNDER 35 U.S.C. § 103

At page 2 of the Office action, the Examiner has rejected claims 1-26 under 35 U.S.C. § 103(a) as obvious over Jubb et al. Applicants respectfully traverse this rejection.

As explained above, Jubb et al. does not teach or suggest one of the elements recited in Applicants' claims, namely colloidal silica bonded fibres. Irrespective of the Examiner's arguments concerning the obviousness of overlapping ranges of amounts, there is no motivation for one of ordinary skill in the art to deviate from the disclosure of the Jubb et al. patent and include a colloidal silica fibre where: (1) there is no disclosure of the need for any type of binder other than in preforms used for shrinkage testing, and (2) the binder used in the preforms is a starch, not colloidal silica. The Examiner has not cited any reference motivating one of ordinary skill in the art to (1) recognize the need for a binder where Jubb et al. teaches that none is required, and (2) suggest the desirability of a colloidal silica binder where Jubb et al. suggests, at least for preforms, that starch is adequate. Absent such a teaching, the Examiner has failed to establish a *prima facie* case of obviousness, and this rejection should also be withdrawn.

Because the two rejections over Jubb et al. are the only remaining issues to be resolved, and because Applicants have clearly established that these rejections should be withdrawn, Applicants respectfully submit that the present application is in condition for immediate allowance. An early notification to that effect is earnestly solicited. If the Examiner has any questions about this application, or believes that any issues remain to be resolved, he is respectfully requested to contact the undersigned to arrange for a telephonic interview to resolve such issues, and expedite allowance of this application.

The Commissioner is hereby authorized to charge any deficiencies or credit any overpayment to Deposit Order Account No. 11-0855.

Respectfully submitted,



Bruce D. Gray
Reg. No. 35, 799

KILPATRICK STOCKTON LLP
Suite 2800, 1100 Peachtree Street
Atlanta, Georgia 30309-4530
(404) 815-6218